

## § 320

## DEPARTMENT OF HEALTH SERVICES

Div. 1

### Sec.

- 321. Administration; minimum standards for approval; rules and regulations; state plan.
- 321.2. Establishment of programs; plan requirements; standards for procedures; record system.
- 321.5. Services by city; election; powers.
- 321.7. Local advisory boards.
- 322. Directors of community programs.
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- 322.5. Preliminary budget; revised estimate; community child health and disability prevention plan; requirements.
- 322.7. State reimbursement.
- 323. State reimbursement.
- 323.2. Schedule and method of reimbursement; use of federal funds.
- 323.5. Certificate of receipt; health screening and evaluation services; waiver by parent or guardian.
- 323.7. Eligibility for services; rules and regulations specifying age groups for screening tests and recommendations for referral; sources of referral.
- 324. Copy of results of screening and evaluation; reference for further diagnosis and treatment.
- 324.2. School districts and private schools; information to parents or guardians of kindergarten children; withholding of average-daily-attendance funds.
- 324.5. Confidentiality of information and results; health screening and evaluation; release; professional interpretation of results.

*Article 3.4 was added by Stats.1976, c. 1159, p. 5320,*

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### Cross References

Compliance with hereditary disorders act, see § 155.

### Administrative Code References

Child health and disability prevention program, see 17 Cal. Adm. Code 6800 et seq.

## § 320. Legislative finding and declaration

The Legislature finds and declares that many physical and mental disabilities can be prevented, or their impact on an individual lessened, when they are identified and treated before they become chronic and irreversible damage occurs. The Legislature finds and declares that a community-based program of early identification and referral for treatment of potential handicapping conditions will be effective in reducing the incidence of such conditions and will benefit the health and welfare of the citizens of this state.

It is the intent of the Legislature in enacting this article to establish child health and disability prevention programs, which shall

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be financed and have standards established at the state level and which shall be operated at the local level, for the purpose of providing early and periodic assessments of the health status of children. It is further intended that child health and disability prevention programs shall make maximum use of existing health care resources and shall utilize, as the first source of screening, the child's usual source of health care so that health screening programs are fully integrated with existing health services, that health care professionals be appropriately represented and utilized in these programs, that outreach programs be developed to stimulate the use of preventive health services, and that services offered pursuant to this part be efficiently provided and be of the highest quality.

(Formerly § 306, added by Stats.1973, c. 1069, p. 2145, § 1. Amended by Stats.1976, c. 1208, p. 5499, § 1, eff. Sept. 22, 1976. Renumbered § 320 and amended by Stats.1977, c. 579, § 84.)

Historical Note

The 1976 amendment required, in the second sentence of the second paragraph, the use "as the first source of screening, the child's usual source of health care".

Repeal of § 306 (added by Stats.1973, c. 1069, p. 2145, § 1) by Stats.1976, c. 1159, p. 5230, § 1, failed to take effect upon enactment of Stats.1976, c. 1208, p. 5499, § 1, which amended § 306, under the terms of Gov.C. § 9605.

The 1977 amendment renumbered § 306 to be § 320 without change.

Former § 320, added by Stats.1976, c. 1159, p. 5230, § 2, relating to the same subject matter, was repealed by Stats. 1977, c. 579, § 95.

Library References

Social Security and Public Welfare  
©195.

C.J.S. Social Security and Public Welfare § 125.

§ 320.2. Definitions

As used in this article:

- (a) "Board" means the State Child Health Board.
- (b) "Department" means the State Department of Health Services.
- (c) "Director" means the State Director of Health Services.
- (d) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly.

(Added by Stats.1976, c. 1159, p. 5230, § 2. Amended by Stats.1977, c. 1252, § 152, operative July 1, 1978.)

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(c) Any civil penalty which is assessed pursuant to subdivision (a) shall be paid into the General Fund of the State Treasury.

(Added by Stats.1979, c. 817, p. 2823, § 11.)

### § 319. Inspections and investigations

Any officer, employee, or agent of the state department may enter the premises of any contract retail food vendor to verify food prices or to witness or investigate procedures, or to otherwise determine compliance of such vendor with the provisions of this article.

(Added by Stats.1979, c. 817, p. 2824, § 12.)

#### 1979 Legislation.

Former § 319 was renumbered § 317 and amended by Stats.1979, c. 817, p. 2823, § 8.

### § 319.5. Report to legislature

The state department, if it establishes the program authorized by Section 311, shall submit a report to the Legislature on or before March 1, 1980, describing the components of, and the participation in, the nutritional food supplement program.

(Added by Stats.1979, c. 817, p. 2824, § 13.)

## ARTICLE 3.4. CHILD HEALTH AND DISABILITY PREVENTION PROGRAM

### Sec.

320.5. State maternal, child, and adolescent health board; duration of section.

321.7. Local maternal, child, and adolescent health boards.

Heading of Article 3.4 was amended by Stats.1981, c. 714, p. —, § 210.

### § 320.2. Definitions

As used in this article:

(a) "State board" means the State Maternal, Child, and Adolescent Health Board.

(b) "Department" means the State Department of Health Services.

(c) "Director" means the State Director of Health Services.

(d) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly.

(e) "Local board" means local maternal, child, and adolescent health board.

(f) "Local health jurisdiction" means county health department or combined health department in the case of counties acting jointly or city health department within the meaning of Section 1102. (Amended by Stats.1981, c. 1038, p. —, § 3.)

### § 320.5. State maternal, child, and adolescent health board; duration of section

A State Maternal, Child, and Adolescent Health Board advisory to the director is hereby established within the State Department of Health Services.

The state board shall consist of 13 voting members. The membership shall reflect the ethnic and geographic diversity of the State of California and shall include individuals or parents of individuals who are recipients of services administered by the department, health providers, including Board of Medical Quality Assurance certified or qualified physicians, and representatives of other related interests. The Governor shall appoint seven members of the state board, including a county health officer; a member of the Primary Care Clinics Advisory Committee; one family practice physician, one dentist a major part of whose practice is children's dentistry; one pediatrician; one representative of a child health advocacy organization; and one parent, who is not a health care provider, of a child eligible for health services administered by the department. The Chairman of the Senate Rules Committee shall appoint three members of the state board, including a pediatrician, a parent, who is not a health care provider, of a child eligible for health services administered by the department.

Asterisks \* \* \* indicate deletions by amendment.

an individual experienced in administering a local family planning agency. The Speaker of the Assembly shall appoint three members of the state board, including a pediatrician, a nurse specializing in child health, and an obstetrician/gynecologist. A member of the State Council on Developmental Disabilities, a member of the State Commission on Special Education, the Directors of the Departments of Health Services, Mental Health, and Social Services and the Superintendent of Public Instruction, or their designees, shall serve as ex officio, nonvoting members of the state board. The term of each member shall be three years, or for the duration that each member maintains the qualifications under which he or she was appointed, whichever is shorter. In order to maintain continuity, present members of the State Child Health Board shall be appointed to the state board for the duration of their current terms.

The members of the state board shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this article. Members who are parents of children eligible for departmental programs may additionally be reimbursed upon request for their actual and necessary costs of additional child care and lost wages. The Director of Health Services shall provide necessary support staff and services to the state board. The state board shall utilize available department staff to carry out specific tasks enumerated in this article. The state board may hire staff for special projects provided the total budget level for board operations does not exceed the existing level, except as provided for by the director or the Legislature by statute.

The state board shall select its own chairperson from among the 13 appointed members by majority vote of the members and shall establish technical advisory committees as it deems necessary and desirable for the efficient and expeditious performance of its duties. The director may provide or the state board may request that the director provide additional technical experts and consultants to facilitate and support the work of the state board. The state board shall meet on call of the chairperson, at least once quarterly, or as often as necessary to fulfill its duties. All meetings and records of the state board shall be open to the public.

The state board shall have all of the following powers, duties and responsibilities:

- (a) Conduct independent studies, investigations, and hearings on the health of mothers, children, and adolescents and the system of health services for mothers, children, and adolescents.
- (b) Review health related programs which serve women, children, and adolescents for the purpose of recommending steps to facilitate interdepartmental integration of service delivery.
- (c) Identify deficiencies and barriers in the maternal, child, and adolescent health delivery system on a statewide basis, recommend priorities for remedying deficiencies, and develop recommendations to remove barriers to appropriate health service utilization.
- (d) Review, during the developmental stage, any plans affecting health programs for mothers, children, and adolescents developed by the department and comment on such plans vis a vis consistency with the state board's policy and goals and make recommendations on a unified planning process for programs affecting the health of mothers, children, and adolescents.
- (e) Receive from the department for review and comment prior to their adoption all rules, regulations, and standards affecting maternal, child, and adolescent health. The director shall submit to the board a copy of the final statement prepared for the Office of Administrative Law pursuant to Section 11346.7 of the Government Code. The director may impose a reasonable time limit for the review of regulations, including, but not limited to, the following:
  - (1) Review of standards for health screening, evaluation, and diagnostic procedures for community maternal, child, and adolescent health programs.
  - (2) Review of standards for directors of community maternal, child, and adolescent health programs.
  - (3) Review of standards for public and private health providers, facilities, and agencies which participate in community maternal, child, and adolescent health programs.
  - (f) Review and comment upon proposed department policies affecting maternal, child, and adolescent health programs.
  - (g) Review policies and develop recommendations regarding:
    - (1) Health goals with measurable objectives for all children, adolescents, and pregnant females in California.
    - (2) A standard of financial eligibility for preventive programs which will facilitate program integration.

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Sec.

- 19016. Regulations and statements of policy.
- 19017. Research and statistics.
- 19018. Eligibility for services.
- 19019. Transfer of surplus property in trust to nonprofit corporations for manufacturing centers, opportunity centers, etc.; consideration; agreement; approval; extension.
- 19019.1. Actions by director of general services to help secure working capital, etc., for nonprofit corporations.
- 19019.2. Quarterly reports by nonprofit corporations.
- 19021. Manufacturing centers; qualifications.
- 19022. Location requirements for transfer of California industries for the blind or opportunity work centers.
- 19023. Monitor of transfer of California industries for the blind or opportunity work centers; annual reports.

*Chapter 1 was added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970.*

Cross References

Education of handicapped adults, see Education Code §§ 52570 et seq., 78440 et seq.  
Retraining and rehabilitation of injured full-time public employees, see Labor Code § 6200 et seq.  
Services for the developmentally disabled, see § 4500 et seq.

Administrative Code References

Conflict of interest code, see 9 Cal. Adm. Code 7400 et seq.  
Department of rehabilitation, see 9 Cal. Adm. Code 7000 et seq.

Library References

Vocational rehabilitation programs. Report of Senate Social Welfare Subcommittee of General Research, vol.	21, no. 15, p. 134. Vol. 1 of Appendix to Journal of the Senate, Reg. Sess. 1969.
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§ 19000. Statement of public policy

It is the public policy of the State of California to assist and encourage handicapped individuals to attain their maximum usefulness and self-sufficiency and make adequate provision for such services as will enable them to prepare for and engage in gainful employment in order that they may make their full contribution to society.

This policy should be carried out by strengthening the existing program of vocational rehabilitation, consolidating the basic rehabilitative services in a Department of Rehabilitation, placing emphasis upon the need for maximum efficient utilization of state services, strengthening and developing services where needed, and promoting effective coordination of all public and private agencies serving the handicapped.

(Added by Stats. 1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970.)

## Historical Note

Derivation: Educ.C. former § 6971. Educ.C. 1943, § 9850, added by Stats. added by Stats.1963, c. 1747, p. 3484, § 1. 1953, c. 7647, p. 3369, § 6.

Educ.C. former § 7001, enacted by Stats.1959, c. 2, p. 805, § 7001.

## Cross References

Encouragement of education, see Const. Art. 9, § 1.

## Law Review Commentaries

Torts and the disabled. Jacobus ten-  
Broek (1966) 54 C.L.R. 641.

## Library References

Social Security and Public Welfare  
§ 179.  
C.J.S. Social Security and Public Wel-  
fare § 102.

Review of rehabilitation policies and  
programs. Report of the Assembly  
Interim Committee on Social Welfare,  
1965-1967, Vol. 19, No. 14, p. 7. Vol.  
2 of Appendix to Journal of Assem-  
bly, Reg.Sess., 1967.

## § 19001. Department of rehabilitation

There is in the Health and Welfare Agency the Department of Rehabilitation.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970. Amend-  
ed by Stats.1979, c. 373, § 409.)

## Historical Note

Construction of provisions of other acts  
conflicting with sections affected by  
Stats.1969, c. 133, p. 290, see Historical  
Note under § 13921.

The 1979 amendment substituted  
"Health and Welfare Agency" for "Hu-  
man Relations Agency".

Derivation: Educ.C. former § 6972,  
added by Stats.1963, c. 1747, p. 3484, § 1,  
amended by Stats.1969, c. 133, p. 290, §  
32.

## Library References

States § 45.

Social Security and Public Welfare § 5.

C.J.S. States §§ 79, 80, 82, 136.

C.J.S. Social Security and Public Wel-  
fare §§ 6, 7.

## § 19002. Director of rehabilitation

The Department of Rehabilitation is under the control of an offi-  
cer known as the Director of Rehabilitation. As used in this division  
"department" and "director" refer to the Department of Rehabilita-  
tion and the Director of Rehabilitation, respectively, unless the con-  
text otherwise requires.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970.)

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Historical Note

Derivation: Educ.C. former § 6973,  
added by Stats.1963, c. 1747, p. 3484, § 1.

Library References

Social Security and Public Welfare ☞ 5. C.J.S. Social Security and Public Wel-  
fare §§ 6, 7.

§ 19003. Director; chief deputy; appointment; compensation

The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

Upon recommendation of the director, the Governor may appoint a chief deputy director of the department who shall hold office at the pleasure of the Governor. The salary of the chief deputy director shall be fixed in accordance with law.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970. Amended by Stats.1972, c. 618, p. 1154, § 162; Stats.1978, c. 432, § 22.5, eff. July 17, 1978, operative July 1, 1978.)

Historical Note

The 1972 amendment deleted a provision that the director is a member of the Governor's Council.

Derivation: Educ.C. former § 6974,  
added by Stats.1963, c. 1747, p. 3484, § 1.

The 1978 amendment added the second paragraph.

Cross References

Annual salary of director of rehabilitation, see Government Code § 11554.

Library References

Social Security and Public Welfare ☞ 5. C.J.S. Social Security and Public Wel-  
fare §§ 6, 7.

§ 19004. Law applicable to director

The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director and the director is the head of a department within the meaning of the chapter.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970.)

Historical Note

Derivation: Educ.C. former § 6975,  
added by Stats.1963, c. 1747, p. 3484, § 1.

## Library References

Social Security and Public Welfare § 2. C.J.S. Social Security and Public Welfare § 5.

## § 19005. Authorization to cooperate with federal government ✓

The department is vested with all necessary powers and authority to cooperate with the government of the United States or any agency or agencies thereof in the administration of any act of Congress and rules and regulations lawfully adopted thereunder relating to the disabled or rehabilitation of the handicapped.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970. Amended by Stats.1970, c. 338, p. 733, § 2.)

## Historical Note

The 1970 amendment inserted the phrase "and rules and regulations lawfully adopted thereunder" and substituted "the disabled or rehabilitation of the handicapped" for "rehabilitation of the handicapped".

Derivation: Educ.C. former § 6377, added by Stats.1963, c. 1747, p. 3484, § 1.

## Law Review Commentaries

Torts and the disabled. Jacobus ten-Broek (1966) 54 C.L.R. 541.

## Library References

Social Security and Public Welfare § 5. C.J.S. Social Security and Public Welfare §§ 6, 7.  
States § 4.19. C.J.S. States § 28.

## § 19005.1. State agency; vocational rehabilitation services

The Department of Rehabilitation is hereby designated as the sole state agency with full power to supervise every phase of the administration of the state plan for vocational rehabilitation services. All decisions affecting eligibility for and the nature and scope of vocational rehabilitation services to be provided will be made by the department through its organizational units.

(Added by Stats.1975, c. 171, p. 316, § 22, eff. June 30, 1975.)

## § 19006. Rules and regulations

The department may adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such rules and regulations as may be reasonably necessary to enable it to carry out its duties and powers.

(Added by Stats.1969, c. 1107, p. 2115, § 17, operative Jan. 1, 1970.)

<sup>1</sup> Government Code § 11370 et seq.



1 (j)

Pt. 2 SERVICES, PROGRAMS, AND FACILITIES § 19150

Library References: —

Social Security and Public Welfare C.J.S. Social Security and Public Welfare §§ 11, 15.  
§ 4.10.

§§ 19100.1 to 19110. Inoperative

Historical Note

The addition of §§ 19100.1 to 19110 by Stats.1969, c. 1565, p. 3178, § 1, failed to become operative. See Historical Note under § 19700.

Chapter 2  
DEFINITIONS

Sec.

- 19150. Vocational rehabilitation services.
- 19151. Handicapped individual.
- 19152. Rehabilitation facility.
- 19153. Blind person.
- 19154. Establishment of rehabilitation facility.

Chapter 2 was added by Stats.1969, c. 1107, p. 2118, § 17, operative Jan. 1, 1970.

§ 19150. Vocational rehabilitation services

(1) The term "vocational rehabilitation services" means the following services:

- (a) Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;
- (b) Counseling, guidance, and placement services for handicapped individuals, including followup services to assist such individuals to maintain their employment;
- (c) Training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials;
- (d) Reader services for the blind and interpreter services for the deaf; and
- (e) Recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

1 (2)

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(2) Such term also includes, after full consideration of eligibility for any similar benefit the following services and goods provided to, or for the benefit of, a handicapped individual:

(a) Physical restoration services, including, but not limited to (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

(b) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(c) Occupational licenses, tools, equipment, and initial stocks and supplies;

(d) In the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the department the provision of such services and supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies;

(e) The provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual;

\* (f) Transportation in connection with the rendering of any other vocational rehabilitation service;

(g) Any other goods and services necessary to render a handicapped individual employable;

(h) Services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.

(Added by Stats.1969, c. 1107, p. 2118, § 17, operative Jan. 1, 1970.)

Historical Note

Derivation: Educ.C. former § 7010, enacted by Stats.1959, c. 2, p. 806, § 7010. Educ.C.1943, § 9858, added by Stats. 1953, c. 1647, p. 3370, § 6, amended by Stats.1955, c. 877, p. 1496, § 10.

Library References

Schools and School Districts 150.

C.J.S. Schools and School Districts 447 et seq.